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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,423	01/11/2006	Robert Fifield	GB 030115	8968
65913 7590 08/07/2007 NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER AHMED, ENAM	
			ART UNIT 2112	PAPER NUMBER
			NOTIFICATION DATE 08/07/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com .

Office Action Summary

Application No.

10/564,423

Applicant(s)

FIFIELD ET AL.

Examiner

Enam Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Non – Final Rejection

The abstract of the disclosure is objected to because

On page 8 and line 27, the word preceded by the term 62 should be an “and”.

Correction is required. See MPEP § 608.01(b).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being unpatentable over Szymanski (U.S. Patent No. 6,851,086).

With respect to claim 1, the Szymanski reference teaches transmitting, by the transmitter, a data packet onto multiple paths (13 – 18) of a network (5) between the transmitter and the receiver (column 11, lines 14 – 45), (column 35, lines 49-56); at least one of the paths including at least one of the repeater transceiver node (30, 40) (column

36, lines 55-63); issuing a NACK signal over the network, by the receiver (20), in the event that the data packet is not properly received (column 27, lines 14-19); retransmitting the data packet onto the network by at least one of the repeater nodes (30,40) upon receipt of the NACK signal (column 28, lines 28-30).

With respect to claim 2, the Szymanski reference teaches in which the retransmitting step is effected by all repeater nodes that forwarded the data packet and that receive the NACK signal (column 28, lines 20-26), (column 28, lines 28-30).

With respect to claim 3, the Szymanski reference teaches in which the retransmitting step is effected by at least one of the repeater nodes 930, 40) and the transmitter (10) (column 28, lines 20-26), (column 28, lines 33-39).

With respect to claim 4, the Szymanski reference teaches in which the transmitter (10) does not retransmit the original data packet in the event of the issuing of a NACK signal by the receiver (column 26, lines 42-49).

With respect to claim 5, the Szymanski reference teaches in which the transmitter (10) does not listen for NACK signals relating to its own transmitted data packets (column 28, lines 33-39).

With respect to claim 6, the Szymanski reference teaches in which the step of retransmitting the data packet onto the network (5) by the at least one repeater node

(30, 40) includes the step of using multiple paths available from the repeater node to the receiver (column 35, lines 47-56), (column 36, lines 25-35).

With respect to claim 7, the Szymanski reference teaches the step of the receiver (20) issuing an ACK signal in the event that the data packet is correctly received, the at least one repeater node (30, 40) forwarding the ACK signal to the transmitter (10) (column 26, lines 34-40).

With respect to claim 8, the Szymanski reference teaches the step of retransmitting the data packet, by the repeater node (30, 40), after first predetermined retransmittal interval if no ACK or NACK signal is received in respect of a forwarded data packet (column 27, line 65 – column 28, line 8).

With respect to claim 9, the Szymanski reference teaches further including the transmitter (10) retransmitting the data packet step after a second predetermined retransmittal interval if no ACK signal is received, the second predetermined retransmittal interval being greater than the first predetermined retransmittal interval (column 27, lines 29-34).

With respect to claim 10, the Szymanski reference teaches a receiver module (61) for receiving data packets originating from the transmitter (see Figure 1, Receiver – 14); a transmit module 962) for forwarding the data packet to another node in the network (see Figure 1, Transmitter – 10); a pending packet buffer for storing forwarded data packets (column 6, lines 44-48), (column 28, lines 33-39); retransmission means for

retransmitting over the network previously forwarded data packets for which NACK signals are received (column 6, lines 44-48).

With respect to claim 11, the Szymanski reference teaches including purge means for removing a stored data packet from the pending packet buffer when an ACK signal received in respect of that data packet (column 3, lines 61 – 65).

With respect to claim 12, the Szymanski reference teaches in which the retransmission means includes means for retransmitting the data packet over all available paths (column 36, lines 3-9).

With respect to claim 13, the Szymanski reference teaches a repeater node adapted to forward ACK signals to the transmitter but not to forward NACK signals to the transmitter (column 26, lines 43-47).

With respect to claim 14, the Szymanski reference teaches in which the retransmission means includes means for retransmitting the data packet after a first predetermined retransmittal interval when no corresponding ACK or NACK signal is received (column 26, lines 42-49).

With respect to claim 15, the Szymanski reference teaches a receive module 961) in the repeater node for receiving data packets originating from the transmitter (see Figure 1, Receiver – 14); a transmit module 962) for forwarding the data packet to another node in the network (see Figure 1, Transmitter – 10); a pending packet buffer for

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storing forwarded data packets (column 6, lines 44-48), (column 28, lines 33-39); retransmission means in the repeater node (30, 40) for retransmitting, over the network (5), previously forwarded data packets for which NACK signals are received (column 6, lines 44-48).

With respect to claim 16, the Szymanski reference teaches in which the retransmission means, in the repeater node (30, 40), further includes means for retransmitting the data packet after a first predetermined retransmittal interval when no corresponding ACK or NACK signal is received (column 26, lines 42-49).

With respect to claim 17, the Szymanski reference teaches further including second retransmission means, in the transmitter (10), for retransmitting the data packet after a second predetermined retransmittal interval longer than the first retransmittal interval, when no corresponding ACK or NACK signal is received (column 27, lines 29-34).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enam Ahmed whose telephone number is 571-270-1729. The examiner can normally be reached on Mon-Fri from 8:30 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached on 571-272-6962.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/17/07

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